



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
CASE NO. 99,829-A

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PATENT
NOV 01 2002
TECH CENTER 1600/2900

In Re Application of:
T.G. Dinan

Serial No.: 09/687,384

Filed: October 13, 2000

Title: Treatment and prevention
of gastrointestinal disease
using antagonists or partial
Agonists of 5HT1a receptors

Examiner: Donna A. Jagoe

Group Art Unit: 1614

Commissioner for Patents
Washington, DC 20231

RESPONSE TO THE OFFICE COMMUNICATION OF SEPTEMBER 23, 2002

Responsive to the Office Communication mailed September 23, 2002, please
reconsider the following Supplemental Remarks:

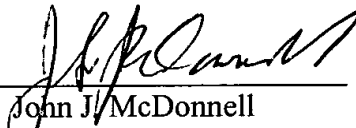
SUPPLEMENTAL REMARKS

Pursuant to a request under 37 CFR 1.111 applicant, points-out that the references cited in the Office Action, U.S. Patents Nos. 5,403,848; 6,159,979A and 5,859,065 do not describe using RS or S(-) pindolol for treating gastrointestinal disease. Applicant meant to convey this negative finding with regard to the prior art, so the distinction is that the claimed method is not literally described as required by 35 USC § 102. Thus, the amendment to RS, or S(-) pindolol distinguish the claims from the prior art.

With regard to the 35 USC § 103 obviousness rejection, applicant points out as stated above, the RS or S(-) pindolol in treating gastric disorder is not identically disclosed and applicant has described how data from the application renders those claims unobvious. For USC § 103 purposes the Office assumes that the identically claimed invention is not described.

It is earnestly believed the claims are in condition for allowance purposes.

Respectfully submitted,

By: 
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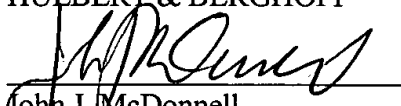


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TECH CENTER 1600/2900**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****CASE NO. 99,829-A****In Re Application of:****T.G. Dinan****Examiner: Donna A. Jagoe****Serial No.: 09/687,384****Group Art Unit: 1614****Filed: October 13, 2000****Title: Treatment and Prevention of
Gastrointestinal Disease Using
Antagonists or Partial Agonists
of 5HT1a Receptors****Assistant Commissioner for Patents
Washington, DC 20231****TRANSMITTAL LETTER**

In regard to the above identified application:

1. We are transmitting herewith the attached:
 - a. Response to Office Communication of September 23, 2002;
 - b. Postcard.
2. No Fee is Required.
3. Please charge any additional fees or credit overpayment to Deposit Account No.13-2490. A duplicate copy of this sheet is enclosed.

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CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the papers, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as U.S. Mail addressed to: Commissioner for Patents, Washington, D.C. 20231 on this 23 day of October, 2002.

